

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

KEITH DALE MARTIN,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 99-CV-775-TCK-SAJ
	)	
STEPHEN KAISER,	)	
	)	
Respondent.	)	

**ORDER**

On April 6, 2006, Petitioner, a state inmate appearing *pro se*, filed a “motion requesting relief from order denying habeas corpus in no. 99-CV-775 K (J)” (Dkt. # 39). He also filed a “notice of motion” (Dkt. # 38). On April 11, 2006, the Clerk of Court received from Petitioner a letter (Dkt. # 40) explaining that he had "inadvertently mailed" the Rule 60(b) motion for filing and requesting information on how to vacate the Rule 60(b) motion if it had already been filed.

Because the Rule 60(b) motion and the notice have been filed of record, the Court finds the letter received April 11, 2006, should be construed as a motion to withdraw the Rule 60(b) motion and notice, both filed April 6, 2006. The Court, in its discretion, finds the motion to withdraw the pleadings shall be granted. Petitioner's "notice of motion" (Dkt. # 38) and "motion requesting relief from order denying habeas corpus in no. 99-CV-775 K (J)" (Dkt. # 39) shall be stricken from the record.

**ACCORDINGLY, IT IS HEREBY ORDERED** that Petitioner's letter (Dkt. # 40), received April 11, 2006, is construed as a motion to withdraw Rule 60(b) motion and notice and is **granted**. Petitioner's "notice of motion" (Dkt. # 38) and "motion requesting relief from order denying habeas corpus in no. 99-CV-775 K (J)" (Dkt. # 39) are **stricken** from the record. This matter remains **closed**.

SO ORDERED THIS 13th day of April, 2006.

A handwritten signature in cursive script, reading "Terence Kern", written in dark ink. The signature is fluid and elegant, with a long horizontal stroke at the end.

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TERENCE KERN  
UNITED STATES DISTRICT JUDGE